

Remarks

Claims 1-3 and 5-12 have been rejected under the judicially created doctrine of obviousness-type double patenting over claims 1-17 of Baker 6,649,316 in view of Elmasry 4,978,598.

In order to expedite the prosecution of this application, Applicants submit herewith a Terminal Disclaimer in view of Baker '316 without prejudice. Applicants reserve the right to assert that the present application is non-obvious, and therefore patentable over Baker '316 on substantive grounds if required in a separate proceeding.

Because the Baker '316 reference is removed from availability for use as a rejection under obviousness-type double patenting, it is respectfully submitted that this rejection has been overcome.

Conclusion

In view of the above remarks, it is respectfully submitted that the foregoing is fully responsive to the outstanding Office action, and the application is now in condition for allowance. In the event that a phone conference between the Examiner and the Applicant's undersigned attorney would help resolve any issues in the application, the Examiner is invited to contact said attorney at (651) 275-9811.

Date: May 12, 2006

Respectfully Submitted,

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